IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

CRP.No. 1960 of 1999(F)

LB.37/1973(1) of TALUK LAND BOARD, PALAKKAD

.....

REVN. PETITIONERS:

1. RAJAMONI, S/O.LATE VELAYUDHAN CHETTIYAR, KALLANTHODE, RAMASSERI P.O., ELAPPALLYPARA, PALAKKAD.

2. CHINNAPPAN OF -D0- -DO-

3. RAJAN OF -DO- -DO-

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

1. STATE OF KERALA, REP. BY ITS SECRETARY,. GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE TAHSILDAR, PALAKKAD.

3. TALUK LAND BOARD, PALAKKAD.

BY GOVERNMENT PLEADER SRI NOBLE MATHEW

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.M.P.NO.4074 OF 1999 IN C.R.P.NO.1960/1999

DISMISSED

21/3/2007 Sd/- P.R.RAMAN, JUDGE

P.R.RAMAN, J.

C.R.P.NO.1960 OF 2006

Dated this the 21st day of March, 2007

O R D E R

The challenge made in this revision is against the proceedings of the Taluk Land Board dated 21/4/1999 by which an application filed under Section 85(8) of the Kerala Land Reforms Act was dismissed on the sole ground that the said application was filed beyond the time fixed by this Court in the order dated 16th February,1999 in C.R.P.NO.2062/98. It is true that as per the said order, this Court granted one month's time for filing the petition under Section 85(8) of the K.L.R. Act and the petitioner filed such an application only on 18/8/1999 as is seen from the copy of the application produced as Annexure-III along with C.M.P.No.4075/99. But the original period of one month as fixed in the order in C.R.P.No.2062/98 was extended upto 15/9/1999, as per order dated 1/9/1999 in C.M.P.No.3457/99 in

C.R.P.No.2062/98, a copy of which is produced as Annexure-II. It is to be noticed that the Taluk Land Board passed the present order on 21/4/1999, much prior to the order passed in C.M.P.No.3457/99 enlarging the time. As such the Taluk Land Board had no occasion to consider the enlargement of time granted by this Court. Now that the period for filing the application under Selection 85(8) has been enlarged upto 15/9/1999, within which the petitioner has filed the petition before the Taluk Land Board, it has to be held that the petition is well within the time as allowed by this Court.

2. In such circumstances, the order of the Taluk Land Board is set aside and the matter is remanded to the Taluk Land Board for fresh consideration on merits, after due notice to the parties.

Revision Petition is disposed of as above.

P.R.RAMAN,
Judge.

kcv.

P.R.RAMAN, J.

C.R.P.NO.1960 OF 1999

O R D E R

21stM March, 2007

P.R.RAMAN, J.

C.R.P.NO.1960 OF 1999

O R D E R

21st March, 2007